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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,846	11/05/2003	James R. Colgrove	4103	7778
26646	7590	06/17/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			JOERGER, KAITLIN S	
		ART UNIT		PAPER NUMBER
		3653		

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/701,846	COLGROVE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kaitlin S. Joerger	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-17 is/are allowed.  
 6) Claim(s) 18-37 is/are rejected.  
 7) Claim(s) 38 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/30 &amp; 2/5</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Baltzer et al.

Baltzer et al. teaches a screen assembly comprising a frame, 12, spaced side members, 14 and 16, first and second spaced end members, 18 and 20, openings between said side members and said first and second end member, 54, a plurality of spaced ribs extending between and joining said spaced side members, 40, 42, 44, 46, 48, and 50. The openings are oriented in rows extending crosswise of said side members, wherein a plurality of openings are located between a certain numbers of ribs, see figure 3.

Claims 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Baltzer (6,269,954).

Baltzer teaches a screen assembly comprising a frame, 12, spaced side members, 14 and 16, first and second spaced end members, 18 and 20, openings between said side members and said first and second end member, 54, a plurality of spaced ribs extending between and joining said spaced side members, 40, 42, 44, 46, 48, and 50, a screen, 53, on said frame overlying said openings, an outwardly extending ledge, 28, on said first member, and an overhanging portion, 74, on said second end member. The openings are oriented in rows extending crosswise of said

side members, wherein a plurality of rows or openings are located between a certain number of ribs, see figure 7.

The screen assembly includes a junction between the ledge and an adjoining portion of said first end member, and a seal located at said junction, see figure 12 and 13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. in view of Riddle et al.

Schmidt et al. teaches a frame, spaced side members and end members, 2, openings, 5, between said side members, a plurality of spaced ribs, 6, extending between and joining said spaced side member. The ribs are tapered away from the screen, see column 2, lines 30+.

Schmidt et al., however, fails to teach a screen overlying said openings and lower concave edges on said ribs, but Riddle et al. does teach this feature, see figures 3, 5, and 10. It is well known in the art to overly a screen over a screen assembly as taught by Riddle et al. if one desired to be able to separate smaller particles out of a liquid, the size of the separate particle being determined by the fineness of the screen. It would have been obvious to one of ordinary

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skill in the art to overly a screen, as taught by Riddle et al. over the opening in the assembly taught by Schmidt et al. if one desired to be able to sift out and catch smaller particles.

It is well known in the art to use a crowned deck vibrating shaker as opposed to a flat deck vibrating shaker. In order for a screen assembly to be able to be accommodated on a crowned deck vibrating shaker the bottom surface of the frame must be arched or concave in order to match the curve of the crowned deck surface. It would have been obvious to one of ordinary skill in the art to construct the ribs of Baltzer et al. with a concave bottom edge as taught by Bakula if one desired to be able to use the screen assembly of Baltzer et al. on a crowned deck vibrating shaker.

Claims 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baltzer et al. (US Patent 5,967,336) in view of Bakula in view Baltzer (6,269,954).

Baltzer et al. ('336) teaches a screen assembly comprising a frame, 12, spaced side members, 14 and 16, first and second spaced end members, 18 and 20, openings between said side members and said first and second end member, 54, a plurality of spaced ribs extending between and joining said spaced side members, 40, 42, 44, 46, 48, and 50, and the end members including upper end member surfaces and lower end member surface, and a lip, 32, extending outwardly from the lower end member surface of the of the first end member, wherein the lip is parts of a depression. The screen assembly further includes a clip 22 on the second end member.

Baltzer et al. ('336) does not, however, teach an undulating screen on said frame overlying said openings, he teaches a flat screen. It is well known in the art to use an undulating screen on a screen assembly for use in a vibrating shaker instead of a flat screen for the different separating properties the undulating screen provides over the flat screen, and Bakula teaches and

example of such an undulating screen. It would have been obvious to one of ordinary skill in the art to use the undulating screen taught by Bakula in place of the flat screen in Baltzer et al.

The '336 Baltzer et al. patent also does not teach that the first end member extends outwardly beyond the end of the screening material, but the '954 patent to Baltzer does teach this, see figures 8, 12, and 13. Figures 12 and 13 show that the first end member extends outwardly beyond the screening materials so that when the two screen assemblies are joined together the screening material does not interfere with the joint. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the outwardly extending first end of the '954 patent with the '336 so that the screening material would not interfere with the joint between the screen assemblies when the screen assemblies of the '336 patent are joined together as disclosed.

***Allowable Subject Matter***

Claims 1-17 are allowed.

The independent claim 1 claims "A screen assembly comprising... and recessed indentations in said lower surface of said spaced side members." After an extensive search of the prior art the examiner was unable to find a reference that taught such a feature. The closest prior art that taught recessed portions was found in the framing and structures art, which taught recessed portions used when joining two beams together. The examiner was unable to find adequate motivation to combine the framing prior art with screen assemblies, and therefore the claims were found to be allowable.

Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The most relevant prior art, US Patent 6,269,954 to Baltzer specifically states that the ribs of the present embodiment are narrower at the top than the bottom in cross-section, and therefore does not teach the tapered rib feature claimed in claim 38.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksj  
JRW  
6/10/05

  
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